### THE TRIAL OF MAXIMILIAN.

THE LAST DAYS OF THE EMPEROR.

Full Account of the Trial of Maximilian, Miramon, and Mejia. The following account of the trial of the Imperialists is translated from the Mexican jour-

nal La Sombra de Arteaga, of Queretaro, June 18. The three days' prorogation granted by the supreme Government to the counsel of the eriminals for their further detense having expired, an order from headquarters organized the Court-martial, and in virtue of the orders from headquarters the Adjutant-General issued his order as follows:-

his order as follows:—

ABMY CORPS OF THE NORTH, ADJUTANT-GENERAI'S OFFICE, QUERETARO, MEXICO,—At 8 o'clock on
the 13th, 'court-martial will organize, and be composed of the following officers:—President—Lieutenant Colonel Platon Sanchez. Members—Captain
Jose V. Ramirez, Captain Miguel Lolero, Captain
Ignacio Jurado, Captain Juan Miguel Lolero, Captain
Ignacio Franchis and Miguel Lolero, Captain
Ignacio Captain Juan
Contenting with article 8 and
paragraph 5 of general orders of army regulations
No. 37. All officers not on duty will attend punctually
on the court-martial, at the place and time, mentioused.
At 6 o'clock A. M., will be formed in front of the Temple of Capuchinas, fifty mounted rifismen, of Galeana,
with their corresponding officers, armed and equipped:
and fifty men of the battalion of the guard "of the
supreme powers," likewise with their arms, equipments and officers, both of which detachments will
place themselves under the orders of Colonel Miguel
Palacios, commanding 2d Brigade.

(Signed)

Countersigned Medica.

(Signed) Countersigned MEDINA.

At 8 o'clock A. M., on the 13th of June, the court-martial assembled at the Theatre of Itarbide, and the audience was very large. The stage was occupied by the Court, leaving the rest of the theatre to the spectators. The right of the stage was occupied by the members of the Court, and on the left, and immediately opposite, were placed three stools for the criminals and seats for their counsel. The most profound emotion was depicted in the countenances of all, and the silence that reigned in the circle could almost be felt. Messrs, Miramon and Mejla were brought to the theatre at 9 o'clock in the morning, in a coach, escorted by a company of riflemen of Galeana, covering front and rear of the vehicle, flanked by a company of the "supreme powers" on one covering front and rear of the vehicle, flanked by a company of the "supreme powers" on one side, and one company of the 4th Battalion on the other. In this wise they arrived, and were delivered over to the officers in charge of the court-room. The President opened the Court. The members and the counsel took their seats, all being in strict uniform. The Judge Advocate, Lieutenant-Colonel Aspiroz, read the charges, after which was read the order from the Commander-in-Chief.

read the charges, after which was read the order from the Commander-in-Chief.

The previously taken declarations of the prisoners, first, Maximilian, then Miramon and Mejia, were read. Next followed the confession and charges, after which there were some slight unavoidable interruptions, such as, for example, Maximilian asked that he be permitted to call three lawyers of Mexico to defend him. He also desired Baron Magnus to be called; that he had matters of his family to arrange, and also matters of a national character touching Venice. Italy, and Austria, of the utmost im-Venice, Italy, and Austria, of the ntmost im-portance to those countries. The General-in-Chiefgranted the prayer of Maximilian, forward-Chiefgranted the prayer of Maximilian, lorwarding his despatch to General Porfirio Diaz. The latter, however, would not allow the telegram to pass into that city, on account of its being besieged, stating that he must have a special permit from the supreme Government of the same, which was granted. Maximilian named as his counsel Mr. Jesus Vasquez, of this city, and Eulalio Frrega, Mariano Riva Palacio and Rafael Martinez de la Torre, of the city of Mexico. Miramon nominated Messrs. Jauregui, of San Luis Potosi, and Ambrosio Moreno, of Queretaro. Mejia nominated Mr. Prospero C. Vega, also of Queretaro.

The counsel having read their acceptation of

Vega, also of Queretaro.

The counsel having read their acceptation of the defense, other documents of a preliminary character were presented and read, but the rapidity of the reading and the confusion in the proceedings do not enable us, at present, to give a detailed account of them, according to numbers and dates, or of their exact statements. We will, therefore, content ourselves only with speaking of the main ones. Among the docu-ments regarding Maximilian, outside of the ments regarding Maximillan, outside of the petition aforesaid, there was one protesting against the jurisdiction of the court-martial, claiming it to be an illegal proceeding against his person, inasmuch as it was based upon the law of the 25th of January, 1862, decreeing against traitors to the country; and that he, being a foreigner, could not be a traitor to the country that is not his own, and over which he exercised such high functions that he believed himself unamenable to the law. There lieved himself unamenable to the law. was also a petition, directed by Maximilian to the President, asking an interview, and the answer of the President, stating that the interresident, studing that the inter-view could not be granted, because of the limited time allowed by law for his trial, but that he could address him in writing anything he chose to say. An order from Headquarters also ad-vised the Judge Advocate that any protest or exceptions taken by the accused shall be pro perly certified, and a copy of it given to those interested. Mention was also made of the cer-tificate of illness of Maximilian, arguing in favor of the prisoner being removed to some other place, for change of air.

Mejia against the jurisdiction of the court, which being refused, they again excepted to, because they were denied the right to appeal, there being no Supreme Court in the nation, and they asked only that they be furnished a certi-fied copy of the rulings of the court. These proceedings having been gone through with the accused, Thomas Mejia, was brought into court, and was seated on a stool, guarded on each side by an escort of the "supreme powers." Mr. Prospero commenced the defense. We have beard a great deal, and have read much, but never have we heretofore felt the admira-ration inspired in us by the able counsel, filled with the principles of right most applicable to the case, delivered by the heart and inspired by the most liberal principles of our great code, the Constitution of 1857. This masterpiece of oratory moved profoundly the entire audience. The points of the defense were three:—1. The meaning of the law of January 25; 2. Its applicaonly applicable from article 6th to 11th inclucause the balance conflicts with the law of nations and caunot subject the accused to the penalties of said law.

The President asked the accused if he had

any bing to say in his detense. He answered no, that all was said by his counsel, but that if

anything was forgotten the counsel would state

Next was read the protest of Miramon and

proper time. Miguel Miramon was introduced. Messrs, Jau-regul and Morena read successively the defense of the accused, with but slight difference in the legal part of the defense, the same points being claimed as were made in the defense of Mejla, regarding the incompetency of the Court and the refusal of the right of appeal. A great many authors were read tonching the case in point. But the main point of the defense went to establish the fact that the law of January 25

But the main point of the defense went to establish the fact that the law of January 25 could not be applied to Miramon; that he was accused of slubborn resistance to the Constitutional Government, his pronunciamento in Puebla, his abstracting the funds of the Convention, his usurpation of power, and, lastly, his last campaigns under the flag of the Empire. Next foll-wed the trial of the Archduke. Having been confined to his bed for some days previous, he was this day, if anything, worse, Mr. Manuel Aspiroz repaired to the prison, from hence he returned shortly, stating that it was impossible for the prisoner to appear, in consequence of which Messrs. Jesus Maria Vasquez and Eulalio Ortega alternately read the defense. The first part of the defense comprehended all of the legal points applicable to the case. It was claimed that the Court was meannestent to try the case, that the law could not be same, and they strongly argued against the irregularity of the proceedings of the Court, in the same, and they strongly argued against the irregularity of the proceedings of the Court, in the absence of all witnesses, documents, and of proof. The situation in which the defense finds itself is incomplete. That the case under consideration is of such magnitude, involving so many points of international law, history, and politics, that the forty-eight hours which were granted are insufficient for its preparation. That the prisoner should not be deprived of the proper means of defense, and more particularly in means of defense, and more particularly in this case it is imperatively necessary, the this case it is imperatively necessary, the this case it is imperatively necessary, the this case it is imperatively necessary.

liberation mark the proceedings, in order that the fair name of this Republic should remain unimpaired before the world, which so anxiously awaits the solution of this social drama. Several authors were cited to sustain the position taken. The court overroiled the position taken. The court overroiled the position taken, and forced the defense to trial, the counsel declaring that they could, but would not keep silent, in view of the incompetency of the court and theillegality of the law, and then commenced giving a history of the prisoner. Mr. Ortega, who was then speaking, said he would answer to the charges made against the prisoner because he was forced to do so, not because there existed any proof sustaining the charges. He ran over the history of the accused, his arrival in Mexico, answering to the charge made against him as an usurper. He said, Maximilian being at Miramar, received a delegation of Mexicaus, presented to him by a high functionary of the court of his brother, who came to offer him the crown of Mexico. Maximilian refused to accept the crown until the will of the nation should be known to him. Meanwhile the French occupied Mexico, and under the terror of bayonets the Assembly of Notables was convoked.

own consciences. They (the counsel) scorned to entertain this idea of the brave chiefs composing this council. The idea is the offspring of the strange argument of the Judge Advocate.

One of the counsel for the defense, we believe One of the counsel for the defense, we believe Mr. Vega, asked the Judge-Advocate by what right he annulied the order of the Supreme Government, demanding him to proceed according to erticles 6 and 11 inclusive, comprised in the law of the 25th of January, omitting the balance, and among them article 22. Mr. Ortega read the order and made a note of the infraction. Mr. Jauregui having closed for the defense, Mr. Moreno presented a protest based upon three propositions, energetically protesting against the admission of evidence subsequent to the trial, inasmuch as the prosecution had been closed up, and the Judge-Advocate had ample notification of the defense. Without anything further transpiring, the Court went into secret session for the purpose of passing

anything further transpiring, the Court went into secret session for the purpose of passing the sentence. At near 10 o'clock at night the court-martial dissolved, and we are not at this moment officially informed of the decision.

The court-martial is over, and the republic, after having struggled until they brought their enemies to the bench of the accused, after having beaten them in a thousand fights, will this day decide their fate, either by approving their sentence or extending elemency. The city, the republic, the world, awaits anxiously the results of this terrible drama.

The Last Decree of the Emperor.

Considering that if our death was to happen, the Government of the Empire would be headless on account of the absence of its legitimate Regent, Our August wife the Empiress Carlotta; considering that to remeey this great wrong, and to secure on our part the happiness of the Mexican nation, even after our death, it is necessary to leave an established Government whom the nation can recognize as the centre of union; considering that it is through the freely convoked Congress which will be decided the form in which it will continue to be constituted, and substitute the present one which is the monarch, and for the same cause of our absence the Government will be decorated in a Regency. We decree:

Article 1. Our Regency of the Empire, in our defect in case of death, D. Theodosio Lares, D. Jose M. de Lacuma and General Leonardo Marquez.

Article 2. The Regency will govern in accordance with the organic statutes of the Empire.

Article 3. The Regency will convoke Congress, which will definitely consiliute the nation after the termination of the war by the action of arms or by amnesty, the legitimate and free election can take place, and that constituted power can assemble.

Article 4. The Regency will cense and also the power with which we invest it in this decree at the installation of the Congress.

Our Minister of Public Instructions is recommended to inform the Regents heretofore named when necessary.

Given the Congress.

Given at Queretaro, June 10, 1857. The Last Decree of the Emperor.

crown of Mexico. Maximilian refused to accept the crown until the will of the nation should be known to him. Meanwhile the French occupied Mexico, and under the terror of bayonets the Assembly of Notables was convoked, who voted the creation of an empire, of which the Archduke was to be the head. Under the influence of the said assembly many municipalities gave in their adbesion, and these acts of adhesion were remitted to the Emperor elect. Maximilian, still hesitating, consulted the most eminent jurists of England, and the college of London declared that he was elected by the will of the nation Emperor. The jurists of London, as well as the candidate, ignored the means used in Mexico in order to obtain the unanimity of the people by triumphant parties. Maximilian accepted, not believing himself a usurper, but, on the contrary, its legitimate sovereign; and, moreover, this ocilief was confirmed by the reception he received on his arrival in this country, unaccompanied by troops, and none with him but his family, the ovations tendered to him in his transit from Vera Cruz to the City of Mexico, and at the places he visited afterwards in the interior of the country, Mr. Ortega denied the charge that Maximillan was there as an instrument of France; that the Archduke had been in conflict with her since the agreement at Miramar; that there France asked the cession of Sonora, and be refused it, and even insisted that the article claiming this pretension should be stricken out; that he constantly opposed the demands of the French officials, and this state of affairs lasted until they quit the country. When Maximilian perceived the first symptoms of general discontent he withdrew from the capital, and in Orizaba and Cuernavaca he called around him his Ministers of State, and consulted with them about the legitimacy of his election and the will of the people. Most ably did the counsel refute the charge of cruelty charged upon the prisoner. He said the law of the 3d of October was made by Maximilian when he was cheated i

sary.
Given at Queretaro, June 10, 1867.
J. C. DORIA, Secretary. Significant Reply of the Emperor.

The following question was put to Maximilian during the trial:— "Are you willing to admit that you are responsible for all the strife that occurred in Mexico since the evacuation of the country by the French?"

he answered, "Juarez is responsible for it all. After the depart re of the French 1 sent a message to Juarez and proposed to him to proclaim a general amnesty, and to grant a full pardon to all who had been itentified with me and the Imperial cause. Juarez refused this, and I had no course left but to remain and to do all in my power to protect a large proportion of the Mexican people."

law was dictated by the commander-in-chief of the French. Myreover, this law was only in-tended as a terror, because never was a petition for pardon presented but it was conceded. He had given orders that no matter at what hour of the day or night a petition for demency came, he should at once be informed of it; that neither his rest nor his labors should be re-garded, which was strictly observed. Finally, the counsel argued the unconstitutionality of the law of 1862, it being incompatible with the

the counsel argued the unconstitutionality of the law of 1862, it being incompatible with the spirit of the Liberal party and the rights of the nation, inasmuch as the conqueror is made the judge of the conquered. The counsel closed, carnestly asking of the members, in the name of civilization and the history which will judge of the terrible deeds done this day, for the de-fenders of the second independence of Mexico, to save the good name of this country in the eves of coming generations, that they may for-

eyes of coming generations, that they may for-ever applied the crowning of the greatest of victories with the greatest of pardons. Here ended the reading of the eloquent defense. It was 8 o'clock at night when the President announced that the court stood adjourned to 8 o'clock to morrow morning, that the defense could not longer continue, as the court desired

to consult counsel in reference to some points

June 14 .- At the stated hour the court-martial,

having gone through the usual form, was de-clared in session. None of the accused were present. The President asked the counsel for

the prisoners if they had anything further to advance for the defense. They answered not at present, but wished to reserve further argument until a later period in the trial. Mr. Manuel

Aspiroz, the Judge Advocate, then read the charges against the accused, sustaining the same by certain official documents emanating

from the so-called Imperial Government. Mr. Aspiroz united with his known ability a dignified and solemn energy which indicated no doubt as to the result of the trial in the minds of his hearers. Among the accusations against Maximilian, was found that

sations against maximilian, was found that terrible charge of having attempted to prolong the war by his celebrated decree of March 7, in which he created a regency, in case of his death in any of the coming battles. To rebut the effort made by Mr. Vega to overthrow the charges by reason of the absence of any proof of the same, the Judge-Advocate said that all the charges were founded upon the protoriety of the acts and that rotoriety.

that all the charges were founded upon the notoriety of the acts, and that notoriety was sufficient to establish the accusation. That,

it as a capital offense, even previous to the

the as a capital offense, even previous to the identification of their persons. The absence of those records and testimony, which the counsel deems so strange, amounts to nothing. They are not needed. The prisoners were captured with arms in their hands, and their crimes are known to the entire world. He concluded by

asking that capital punishment be adjudged

Mesars. Vasquez and Ortegathen successively addressed the Court for the defense. The first of these gentlemen carefully refuted the charges, and concluded with these memorable words, addressed to the Court:—"If you condemn the

Archduke to death, I am not uneasy about a coalition in Europe, or the threatening attitude that the United States may assume towards the

Republic, I have confidence in the Liberal armies that have rooted out the French from

this soil. But I fear the universal reproach that

will fail upon our country, as an anathema, more than even the sentence of death, because of the nullity of the proceedings of this Court."
At this point Mr. Ortega proceeded, This gentleman is an orator. We have seen him, and were reminded of the beauties of Mirabeau. His

reminded of the beauties of Mirabeau. His audience was held spell-bound. He went into the case with that power of improvisation so remarkable in him. He protested against the irregularity of the proceedings. He called attention to the principle in right and law that the Judge Advocate should first read his petition before the defense commences, because the last words to be heard by the Court should be those of the accused. Me charged the Judge Advocate with having formed his petition from the answers made by the defense, in view of the proofs furnished by the defense, which is at variance with the legal practice and the rightful nature of all things. He reproached the Judge Advocate with having collated into his petition proof that had not been read during the trial, which, apart from proving that that officer had taken advantage of the suspension of the Court during the night to perfect his accusation, but making points which were

the accused,

TRAGEDY IN MEMPHIS.

#### A "Pretty Waiter Girl" Assassinates Her From the Memphis Bulletin, July 10.

Yesterday morning a dreadful murder took place at the corner of Main and Poplar streets, n which Chartie Wilson, the Treasurer of the Varieties Theatre, was the victim, and Lottie Sherwood, a waitress in the same establishment. the supposed murderess. For some time past the pair have been living together as man aud wife. It was known that they were not mar-ried, but they appeared to five together on amiable terms, and were seldom given to quar-relling. The girl, like many of her class, was subject to fits of jealousy. She came to this city early in the year, and has been engaged at the Varieties for several months, where she has always conducted herself in a respectable man-She dressed well, but not gaudily; and was careful of her earnings, and at the same time of committing the rash act which sent her "lover" unshriven into eternity, she had, it is said, several hundreds of dollars deposited in her own name, while she was possessed of some valuable jewelry. She is a native of Indiana, where it is jewerry. She is a hative of Indiana, where it is said her parents reside. Her victim was a native of Schuylerville, New York, and his real name was Lawrence A. Perritt, although he was generally known as Charlie Wilson. He has a sister living at Saratoga, and it is said his widowed mother resides in Schuylerville.

On the evening of Monday the supposed mur-deress. Lottic, sent word to the proprietors of the theatre, by Wilson, that she was unable to attend to her duties that evening on account of sickness. Whether this was a ruse or not to get Wilson out of the way while she entertained "company," is not known. Be that as it may, Wilson must have suspected something of the kind, for he left the establishment at an early hour in the evening. What took place up to 1 o'clock in the morning between the pair is not known.

About that time the report of a pistol was heard on Main street, near Poplar, and several policemen ran in the direction of the place where the shot was fired. A man who proved to be Charley Wilson was seen staggering across ground he was caught by Officer Wilson, and in answer to an inquiry, said "Lottle shot me," and almost immediately afterwards expired. When the shot was fired the policeman saw a woman dressed in white running across Poplar street at a rapid rate, in the direction of the place where Wilson and Lottie lived. When the alarm of the murder was given, the girl came down to the place where her "lover" lay dead, and throwing herself down on the corpse, she indulged in a paroxysm of grief and called on "her Charley to come back to life," and cried and sobbed as if her heart would break.

During the entire day the antortunate woman indulged in great grief, and exclaimed often that she wished she was dead, and asked a person who called to see her to pull out his pistol and kill her on the spot. She also said that if she had only a pistol or a knife she would not be long in this world after "her Charley. After such exclamations she would indule in another burst of violent grief, exclaiming that she wished she was dead, as she had nothing now to live for, that her Charley

-Lawson C. Ives, who lately died at Hartford, Connecticut, left \$25,000 to the Hartford Theological Institute, \$5000 to the Hartford Hospital, and \$2500 each to the Widows' Society, to the Hartford Orphan Asylum, and the City Missionary Society.

officer had taken advantage of the suspension of the Court during the night to perfect his accusation, but making points which were suggested to him by the defense, this being against all law in a question where life and death is concerned. It had more the appearance of trying the prisoner on his own statements than by the proofs adduced against him by the prosecution. Regarding the accusation against the Archduke that he attempted to prolong the war by appointing a Regency in case of his death, said the counsel with earnestness and spirit. I declare that Maximillan's subsequent act of abdication at the Cerro de la Campana is in existence. On my honor I can assure you, and likewise can the faultiess Liberal. Mariana Rivas, assure you, that in that abdication there is no evidence of a regency. Concerning the article 28, of which the Judge Advocate spoke in justification of the absence of evidence and documentary proofs, all the counsel for the defense answered in so many words, that the times of the Inquisition had passed, in which nothing but the mere forms were all that were required for conviction. They never supposed that Mr. Aspirox expected the honorable court, whose youthful members were the brave and noble soldlers of the Republic, had assembled for the purpose of condemning, and not convicting. And lastly, that they never believed that the honorable court would make a farce of justice, under a watchword, instead of proceeding according to the dictates of their -The late Judge Lumpkin, of Georgia, is described as presenting in his youth a model of manly beauty. He was a natural orator. and was only eclipsed by Henry Clay in the graces of delivery and exquisite modulation of

-Cholera is prevailing to a considerable extent in some parts of France. Official reports likewise state that it has raged in the province of Lombardy ever since the beginning of February. It is also reported on the coast of the Adriatic. -Baron Gerolt, the Prussian Minister, did

not wait on the President, a few days ago, on

occasion of his recall, as stated, but to make the accustomed formal announcement of the marriage of a Princess of Prussia. -Maximilian's Minister of the Interior has arrived in Washington. He gives a thrilling account of his escape, and, of course, draws a dreadful picture of the condition of the THE FILIBUSTERS.

Fifteen Hundred Men Raised in New York to Avenge the Death of Maximilian, and to Rescue Santa Anna-Jeff. Thompson Offered the Command of the Expedition.

The friends of Maximilian and Santa Anna, n New York, are still engaged in an effort to organize an expedition with a view to avenge the late Emperor's death. Although their movements are invested with judicious secrecy. many of their plans form exciting topics of conversation among their acquaintances, who gather nightly in a certain hotel on Broadway. They are known to be bound by a solemn oath not to reveal aught which may militate against their operations, or prevent the scheme of land-

ing hostile forces on Mexican soil.

It should be stated here that the men who have charge of the enterprise are mere Freuch and Austrian avengers, some of whom are refugees from the country they design to invade; but they have received a large amount already from the agents of certain European Govern-ments in New York, and they are now working with these sinews of war. They have opened three recruiting offices, one in the ostensible interest of Santa Anna, and two to raise men to avenge Maximilian's death; and they claim to have already enrolled over fifteen hundred men. It is generally believed, however, by those who know the antecedents of the chieftains of this movement, that their own aggrandizement, and not the "civilization of Mexico" or the wrongs of Santa Anna, is the grand object of all their

efforts.

It appears, from all that can be learned of the movements of the adventurers, that shortly after General Jeff. Thompson, late of the Confederate ervice, had arrived at his hotel in New York, they waited on him and solicited him to take command of a filibustering expedition. The General is said to have replied that if the number of men raised were in his opinion equal to the emergency, he would probably consent to become their leader; and the visitors at once declared that a large force would be placed at his disposal, and that he would be joined by cavalry from Richmond on arriving on the Texas shore. The deputation then withdrew, and they are now engaged in the work of raising men. This is one of the reports in circulation

The filibusters, it should be said, are confident of support from other quarters. It is rumored that General Logan is to proceed to San Francisco in a few days with a view to take possession of a section of Lower California, which was sold some time since to the United States by the Mexican generals. He is to be accompanied by a large force of miners, to work in the silver mines owned by the company, of which General Butler is said to be a Director.— New York World.

# LEGAL INTELLIGENCE.

#### The Winnemore Case.

SUPREME COURT.—The end of this case, so far as courts of justice are concerned, has at length come. When this Court, Judges Thompson, Read, and Agnew on the bench, was sitting in this city during the first week of the month, Mr. Warriner, counsel for George W. Winnemore, who was convicted of murder in the first degree and sentenced to death, made application for leave to file a petition for a writ of error, in order to have the case reviewed by this Court. At that time the papers were not quite ready, and soon after the making of this application the Court adjourned. But by the instruction of the Court the matter was afterwards given to the Judge, and recently a decision by Judge Thompson was filed in the Prothonolarly's office.

1. In regard to the exception to the rapidity with which the case was put through by the Court below, the Judge said:—"It is a matter entirely within the sound discretion of the Court, after a bill is found, when a prisoner shall be put on trial. It is, therefore, not a question which is the subject of review in a superior or appellate count."

2. An exception was taken to the decision of the Court in over ruling the challenge for cayee of a larger. SUPREME COURT.-The end of this case, so far as

a question which is the subject of review in a superior or appellate count."

2. An exception was taken to the decision of the Court in overruling the challenge for cause of a jorder. The ground was want of education, rafher than natural capacity or intelligence. He could read but little; only read newspapers, never read a book, and did not know his age. Now, while this showed a low state of instruction, it did not show want of capacity to reason and judge of what was orally communicated. The statute provides no degree of learning as a prerequisite to be a juror. It only requires that a sufficient number of "sober, intelligent, and judicious persons to serve as jurors" shall be drawn, and it does not follow that because a man may not have read books, or may have confined his readings solely to the literature of the newspapers, he is not intelligent enough for a juryman. But the prisoner got rid of the juror by a peremptory challenge, and it is not pretended that this led to such a diminution of his right to challenge so as to prejudice or possibly have prejudiced his case.

3. The next exception was to the compatency of Adam Magilton as a witness for the Commonwealth, on account of defective religious belief.

On this point the Judge laid it down:—"That where there is a contrariety of testimony on the point (of the religious belief of a person offered as a witness), a court must of necessity refer it to the jury to go to the credibility of the witness. There would be no safety otherwise, and the truth of this would be more keenly felt when an opposite course might come to be applied to witnesses in avor of a prisoner than when against him." There was a strong conflict of testimony as to Mr. Magilton's religious belief, and it was decided that "the Court could have done nothing else than they did no this point of the case, and consequently committed no this point of the case, and consequently committed no this point of the case, and consequently committed no this point of the case, and consequently committed no

The Court had no doubt as to the correctness of the raings complained of, and therefore the motion for a writ of error was refused. Judge Agnew concurred a this opinion.

writ of error was refused. Judge Agnew concurred in this opinion.

COURT OF QUARTER SESSIONS—Judge Peirce.—

William B. Mann, District attorney: T. B. Dwight, Ansistant District Attorney.—Jonathan Horath was charged with assault and battery upon David Sweltzer. From the statements of a host of German witnesses, which statements had a great tendency to confuse the Court, Iswyers, and the jury, it appears that the defendant was called to protect a man who was being beaten, and remonstrated with the prosecutor, who was the beater, and from words there came a blow; by whom administered was not satisfactorily ascertained. But one blow gave birth to many others, for some over or six other men that were present joined in the sport, and a most excellently general fight ensued.

The jury acquitted, imposing the costs on the defendant.

The jury acquitted, imposing the costs on the defendant.

David Sweitzer and Caspar Smith were charged with assault and battery upon Michael Fisher. Fisher keeps a tavern, and in that tavers Sweitzer was aitting one evening, bappy noder the influence of beer. Fisher said he asked Sweitzer to go out, in order that he might shut up his place, and Sweitzer became angry and atruck him. While Sweitzer was beating and pounding satis-faction out of Fisher's big body. Smith shut the door and cried, "Go in, Sweitzer; he be's so bigger as two of you; but I see you by its der hir play; nopody shall come in."

Michael Fisher was then tried upon a charge of assault and battery upon David Sweitzer. The testimony of the presecutor in this case was that Fisher, in the most astonishing manner, picked up a board and struck him on the head with it. But the principal witness in the cate said there was no fight at all.

These bills were tried together. The jury acquitted Sweitzer and Smith and convicted Fisher.

Adoiph Brown was charged with assault and battery upon Charles Bosch. Bosch testified that while he was standing at the corner of Cadwalader street and Columbia avenue, the defendant came up and struck him with a stick, and then with his fist. Verdiet guilty, with a recommendation to the mercy of the Court.

Peter Bowen was charged with assault and battery upon bis daughter, Maggle Bowen. Mr. Knight testi-

diet golity, with a recommendation to the mercy of the Court.

Peter Bowen was charged with assault and battery upor his daughter, Maggie Bowen. Mr. Knight testified that one day recently, the date was not given. Maggie Bowen went to the Episcopai Hospital, fleeling from her father, her head was biseding freely from many cuts and bruises upon it. The girl was not in court to say who did make those wounds on her head. The only syldence on the point was that of the officer, who arrested the defendant which was that the defendant said before the Alderman that "it was a pity a man could not correct his own child," which might be construed as an acknowledgment that he was inflicting some violence upon the girl. Jury only

rl. Jury out. Bowen's face is familiar in this Court. Many times Bowen's face is familiar in this Court. Many times has he been seen in the dock, heretofore charged with the matreatment of his wife. He has generally had counsel to plead his case, but this time he was at alone. When the evidence had been closed he requested the privilege of addressing the jury; but for some reason or other the case was given to the jury, and poor Peter was not heard.

Ass Adams was convicted of a charge of the larceuv of paper belonging to Joshua Taggart. The paper had been placed by a stationery dealer in an office on the wharf for shipment to Wilmington. It was taken from this office and afterwards found upon the person of the defendant.

-Aaron Sweat, the negro candidate for Congress in the Cheraw (S. C.) District, is prose cuting his canvass with great vigor, and is quite confident of success.

-Kossuth is now at Aix-les-Bains, in Savoy.

THE NATIONAL GAME.

The Athletics, of Philadelphia, vs. the Tyroleons, of Harrisburg, Pa. HARRISHURG, July 15,-The game of base ball between the Athletics, of Philadelphia, and the Tyroleon Club, of this city, was played this afternoon, and was witnessed by an immense concourse of people. The game from the commencement was all in favor of the Athleties, resulting in a score of fifteen for the Athletics and eleven for the Tyroleons.

The Bankrupt Law in Charleston.

CHARLESTON, S. C., July 15 .- The first case in this State' coming under the provisions of the new Bankrupt act, was decided in the United States Court to-day. Judge Bryan charged the jury that the suspension by a banker, merchapt, or trader to meet his commercial paper at maturity and non-resumption of payment within fourteen days, although without fraud, created an act of involuntary bankruptcy; that an assignment made under the State law last May, although in trust for benefit of the creditors of a trader, constituted the assignor an involuntary bankrupt, as tending to hinder and defeat the operations of the Bankrupt act,

Steamboat Racing on the Hudson. POUGHKEEPSIE, July 15.-The large steamer Drew passed this dock at five minutes to 10 tonight, making her time from New York in less than four hours. She was followed closely by the Connecticut, the latter being two miles astern. Both boats were going very fast. The Connecticut appeared to be making two revolutions to the Drew's one. The moon shone splendidly, and the boats could be distinctly seen. There was but five minutes' difference between the two boats when they disappeared

Billiards-A Run of Five Hundred and Sixty-five Points.

LONG BRANCH, N. J., July 15 .- John McDevitt played a game of billiards of two bundred and fifty points to-night with Mr. Morris, of New York, in the Continental billiard-rooms. Mc-Devitt made the extraordinary run of five hundred and sixty-five points on the two red balls, his opponent's ball being pocketed. This is the largest run on record without getteng them into

A Brace of Murders in Louisville. LOUISVILLE, July 15 .- George Off, a wellknown butcher, was fatally stabbed by John Smith last night, and James Wheeler, a moul-

der, was killed to-night by John Ferguson, a plasterer. Both the murderers were arrested. Base-Ball Match at Cincinnati. CINCINNATI, July 16 .- The Base-Ball match between the National Club of Washington City

and the Cincinnati Club, yesterday afternoon, resulted in a victory for the Nationals. The score stood 53 to 10. Maximilian Avengers for Canada. MONTREAL, July 15 .- It is reported that

eighteen Germans left this city to-day to join

the "Maximilian Avengers" in New York. Markets by Telegraph.

Markets by Telegraps.

New York, July 16.—Stocks are steady. Chicago and Rock Island, 38%; Reading. 104%; Canton, 40%; Erte, 72%; Cleveland and Toledo. 121%; Cleveland and Pittsburg, 92%; Pittsburg and Fort Wayne, 101%; Michigan Central, 106%; Michigan Southern, 80%; New York Central, 106%; Illinois Central, 124%; Cumpertand preferred, 39%; Virginia 68, 53; Missonci 68, 102%; Hudson River, 110; United States Five-twenties of 1862 111%; do, 1864 108%; do, 1865, 109%; do, new issue, 108%; Tenforties, 101%; Seven-thirties, 107%; all others, 107%; Money, 5666 per cent. Exchange, 110%; as sight, 110%; Gold closed at 140%.

Gold closed at 140%.

NEW YORE, July 16.—Cotton quiet at 26%.c. Flour dull, and declined 10@20 cts.; 6000 barrels sold—State, 47@11718: Ohio, \$10.500@12719; Western, \$7.8012.60; Southern, \$9.75@17-25. Wheat dull, and declined 2@3 cents. Corn steady; 26.000 bushels sold—mixed Western, \$1.00@1707. Oats firm; 31.000 bushels sold—State, 92@30; Western, 82@88. Beef quiet and unchanged, Pork heavy—new mess, \$22.75. Lard firm at 12@18... Whisky quiet.

THE REMAINS OF GENERAL MEAGHER .- A telegraph despatch from the wife of General Meagher informs us that although the greatest exertions might have been made to secure the remains of General Meagher, they have not yet been recovered.

# FINANCE AND COMMERCE.

OFFICE OF THE EVENING TELEGRAPH, Tuesday, July 18, 1847. The Stock Market opened very dull this morning, but prices were without any material change.

Government bonds continue in fair demand; 1862 5-20s sold at 1114; July 1865 5-20s at 1084, no change. 102 was bid for 10-40s; 107½ for June and August 7-30s; and 110½ for 6s of 1881. City loans were unchanged; the new issue sold at 99½. Railroad shares, as we have noticed for so time past, continue the most active on the list, Reading sold at 524@521, no change; Pennsylvania Railroad at 52%, a slight decline; Philadelphin and Frie at 284, no change, and Northern Central at 431, no change; 31 was bid for Little Schuylkill; 63 for Norristown; 36 for North Pennsylvania; 58 for Lehigh Valley; 29 for Elmira common; 40 for preferred do; and 283 for Catawissa preferred.

In City Passenger Railroad shares there was nothing doing. 68 was bid for Second and Third; 17g for Thirteenth and Fifteenth; 27g for Spruce and Pipe; 43 for Chesnut and Walnut; 13 for Hestonville; and 30 for Green and Coates. Bank shares were tirmly held, 1074 was bid for Seventh National; 160 for Philadelphia; 140 for Farmers' and Mechanics'; 50) for Commercial; 31 for Mechanics'; 110 for Kensington; 57; for Girard; 95 for Western; 31 for Manufacturers'; 70 for City; 42 for Consolidation; and 63 for Commonwealth.

In Canal shares there was very little movement. Lehigh Navigation sold at 441, a slight decline. 30 was bid for Schuylkill Navigation preferred; 118f for Morris Canal preferred; and 17 for Susquebanna Canal.

Quotations of Gold—104 A. M., 1894; 11 A. M., 140; 12 M., 140; 1 P. M., 1404, an advance of on the closing price last evening.

-Elsewhere in our paper to-day will be found the announcement of Messrs. E. W. Clark & Co., Jay Cooke & Co., and Drexel & Co., of their agency for the sale of the bonds of the North Missouri Railroad. These bonds are guaranteed by a first mortgage on a road through a productive country, one hundred and seventy four miles of which are already completed. The investment is a perfectly safe completed. The investment is a perfectly sate one, as it is the first mortgages which are given as security. They are sold, for inducement, at 85 per cent., and bear 7 per cent. per annum, which equals an assured interest of 5 per cent. We have no doubt but that those having capital to invest will avail themselves of this opportunity. The security is good, the interest high, and the capital always available. d the capital always available.

The State loan purchased by Jay Cooke &

Co., Drexel & Co., and E. W. Clark & Co., is rapidly being absorbed. The \$16,000,000 purchased by these bankers have been reduced to a mere fraction. On Priday last \$150,000 were

SECOND EDITION | sold; on Saturday the amount taken by the propie was \$550,000; and this week the sales have reached a quarter of a million. What a comment upon the financial credit of our Commonment upon the financial credit of our credit of our credit of our credit of our credit of o wealth, when its loans are taken by our own people with a rapidity surpassed only by the patriotic readiness with which the people purchased the bonds of the Government in war

> PHILADELPHIA STOCK EXCHANGE SALES TO-DAY Reported by Denayen & Bro., No. 40 S. Third street BEFORE BOARDS.

100 sh Ocean Oil. 

119.40; do. August, 1864, 1184@119; do., October, 1864, 1174@118; do., December, 1864, 117@1174; do., May, 1865, 1164@1164; do., Aug., 1865, 1154@1164; do., September, 1865, 116@1164; October, 1865, 1144@115; Gold, 140@1404. Silver, 1326@134. ver. 1326@134.

-Messrs. William Painter & Co., bankers, No. —Messrs.William Painter & Co., bankers, No. 36 South Third street, report the following rates of exchange to-day at 12 o'clock:— U. S. 6s, 1861, 110@110; U. S. 5-20s, 1862, 1114@111; do., 1864, 109@109; do., 1865, 1094@109; do. new, 108@108; 5s, 10-40s, 102@102; U. S. 7-30s,1st series, 1074@108; do., 2d series, 1074@107; Compound Interest Notes, December, 1864, 117; May, 1865, 116; do. August, 1865, 115; do. September, 1865, 114; do. October, 1865, 114].

Philadelphia Trade Report. TUESDAY, July 16,-The demand for Cotton is

extremely limited. Small sales of middling at 26 cents for upland, 27 cents for New Orleans. There is nothing doing in Quercitron Bark, but No. 1 is held firmly at \$42 p ton.

The Flour market is extremely quiet, but with an unprecedentedly small stock, holders are enabled to realize full rates. There is no demand, however, except to supply the immediate mand, however, except to supply the immediate wants of the home consumers. Small sales of superfine at \$8@8.50 @ barrel; extras at \$9@9.50; Northwestern extra family at \$10@12.50; Pennsylvania and Ohlo do. at \$11@13; and fancy lots at higher figures. Rye Flour is reported at \$7.87½. Prices of Corn Meal are nominal.

The receipts of new Wheat are light, and there is very little old here. Sales of old red at \$2.85, and \$00 bushels new Southern at \$2.60@275. Rye is sold at \$1.75. Corn is dull at the late decline. Sales of 4000 bushels yellow at \$1.15@1.18, and 2000 bushels mixed Western at \$1.12. Oats are lower, and 2000 bushels Pennsylvania sold at \$1.

# LATEST SHIPPING INTELLIGENCE.

PORT OF PHILADELPHIA..... STATE OF THERMOMETER AT THE EVENING TELE-

For additional Marine News see Third Page.
CLEARED THIS MORNING.
Schr Julia Baker, Baker, Bath, Lennox & Burgess,
Schr West Wind, Lawson, Boston, Quintard, Ward & Co. Schr J. Clark, Fowler, Providence, Westmoreland Coal Co.

Coal Co.
Schr Mary G. Farr, Maioy, Providence, do.
Schr J. Burley, Williams, Boston, L. Audenried & Co.
Schr E. J. Hersty, Meredith, Rockport, do.
Schr W. B. Thomas, Winsmere, Boston, C. J. & J. H.
Eastwick.
Schr E. S. Reeves, Green, Petersburg, R. Jones,
Schr C. Fossett, Harding, Boston, J. E. Basley & Co.
Schr H. & Hand, Hand, Newburyport, Rommell &
Hunter, Schr J. Maxfield, May. Boston, Penn Gas Coal Co.

ARRIVED THIS MORNING.
Barque Oak Ridge, Ginn, 13 days from Sombrero, with guano to Moro Phillips.
Burque Elien Stevens, Croucher, 5 days from Boston, in baliast to Warren, Gregg & Morris.
Span, brig Esperansa, Riberas, 10 days from Trinidad, with molasses to S. & W. Welsh.
Brig Eurus, Ackley, 5 days from Boston, in ballast to cautain. Brig Eurus, Ackley, 5 days from Boston, in ballace to captain.

Schr Heien Mar, Nickerson, 3 days from New York, with salt to W. Bumm & Son.

Schr Mary G. Farr, Maloy, 5 days from Providence, in ballast to Westmoreland Coal Co. 14th inst., off West Bay Light, L. L. Herbert O. Maloy, aged 7 years, fell overboard, and was drowned.

Schr A. Walton, Rich, 5 days from New Bedford, in ballast to captain.

Schr E. J. Heraty, Meredith, 5 days from Boston, in ballast to captain. aliast to captain. Schr H. G. Hand, Hand, 5 days from Newburyport, in ballast to captain.
Schr W. J. Parks, Bogart, 4 days from New York, Schr Challenge, Skeller, 4 days from Ipswich, in bailast to captain. Schr C. Fessett, Harding, 6 days from Beston, in ballast to captain Schr M. Gage, Sheppard, 6 days from Boston, in bal-last to captain. Schr J. Baker, Baker, 3 days from New York, in balschr J. B. Austin, Davis, 6 days from Boston, in balschr West Wind, Lawson, 5 days from Boston, in. scharl, Clark, Fowler, 4 days from Providence, in ballast to captain.
Schr J. Burley, Williams. 6 days from Boston, in ballast to captain.
Schr W. B. Thomas, Winsmore, 4 days from Salem, in ballast to C. J. & J. H. Eastwick.
Steamer Sarah, Jones, 24 hours from New York, with mase, to W. M. Baird & Co.

Schr W. D. Haskell, from West Indies.

MEMORANDA.

Barque Merrimac, Marshall, from Messina for Philadelphia, was repairing at Gibraltar 25th ult.

Brig Birchard and Torrey, Frishee, for Philadelphia, sailed from Providence 14th Inst.

Sohr Boston, Smith, for Philadelphia, sailed from Bristol 12th Inst.

Schr Kate E. Rich, Doughty, hence, at Portland 18th Instant. Schr J. W. Fish, hence for Fall River, passed New-Schr R. H. Daley, for Philadelphia, salled from New London lath inst. Schr G. Deering, for Philadelphia, cleared at Port-land isth inst.

Schra A. A. Andrews, Kelly; A. R. Wetmore, Lippincott; E. Doron, Jarvis; and M. R. Carliale, Potter, for Philadelphia, salied from Providence 18th Inst. Schra H. Ross, Ulrick, and Union Flag, Malony, for Philadelphia, cleared at St. John, N. B., 12th Inst. Schr J. H. Marvill, Quillin, hence, at Riemmond 18th Instant. schr J. Griffith, Cobb. heace, at Newburyport 12th Instant,
Schr C. R. Vickery, Babbitt, for Philadelphia, safled
from Fall River 12th Inst.
Schrs G. W. Krebs, Carliste, and W. Frazier, Applegarth, hence, at Richmond 12th Inst.
Schr Albert Field, Pottit, hence, at Fall River 12th

sstant.
Schr A. Walton, Rich, for Philadelphia, salied from Sew Beifford 13th inst.
Schr Mary Ella, Tapley, hence, at Portamouth 11th hr C. L. Vandervoort, Chase, hence, at Gloucester Echr Mary Price, Garrison, hence, at Plymouth 11th Schr A. Sheppard, Bowditch, bence, at Providence igh lost. Schr A. E. Safford, Hanson, from New Bedford for Philadelphia, at New London inh laus.

New York, July 16. Arrived, steamship Atlantic from Bremen at iost. Steamship Heels, from Liverpool 2d inst.

DOMESTIC PORTS.

NEW YORE, July 15.—Arrived, steamship Albemarie, Sourne, from Norfolk.

Rarque G. H. Jenkins, Doty, from Burnt Island.

Barque W. Rathbone, Pratt, from Havre.

Barque Nuova Fama, Gabella, from Rio Janeiro.

P. W. B. THE PET OF THE HOUSEHOLD.

PARIS PATENT WINDOW SOWER.

Every housekeeper should have them to their shutters: they supersede the old-fashloued ribbons. Price, Twenty-five cents per pair. Sold everywhere, and wholesale and retail by

No. 27 S. THIRD Street.